

STATUTORY INSTRUMENTS

2019 No. 780

The Criminal Justice (Amendment
etc.) (EU Exit) Regulations 2019

PART 6

TAKING ACCOUNT OF CONVICTIONS

CHAPTER 1

Amendments: legislation that extends to England and Wales only

Amendment of the Prevention of Crime Act 1953

^{F1}21.

F1 Reg. 21 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Amendment of the Magistrates' Courts Act 1980

22.—(1) Section 19 of the Magistrates' Courts Act 1980 (decision as to allocation) ^{M1} is amended as follows.

(2) In subsection (5)—

- (a) at the end of paragraph (a), insert “ or ”;
- (b) omit paragraph (aa).

(3) Omit subsection (5A).

Commencement Information

I1 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M1 [1980 c. 43](#); section 19 was amended by paragraph 5 of Schedule 3 to the [Criminal Justice Act 2003 \(c. 44\)](#), and paragraph 4 of Schedule 17, paragraph 80 of Schedule 21, and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

Amendment of the Criminal Justice and Public Order Act 1994

23.—(1) Section 25 of the Criminal Justice and Public Order Act 1994 (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences) ^{M2} is amended as follows.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019, PART 6. (See end of Document for details)

- (2) In subsection (2), in the opening words, for “subsection (3)” substitute “ subsection (3A) ”.
- (3) Omit subsection (3).
- (4) Omit subsection (3B).
- (5) In subsection (5), omit the definition of “relevant foreign offence”.
- (6) Omit subsection (5A).

Commencement Information

I2 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M2 1994 c. 33; section 25(3), (3A) and (3B) were inserted by paragraph 3(2) of Schedule 17 to the [Coroners and Justice Act 2009 \(c.25\)](#); section 25(5) was amended by paragraph 93(2) of Schedule 4 to the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c. 40\)](#), **paragraph 160** of Schedule 9 to the [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), **paragraph 67(b)** of Schedule 32 and Part 7 of Schedule 37 to the [Criminal Justice Act 2003 \(c. 44\)](#), and paragraph 3(3) of Schedule 17 and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009](#); section 25(5A) was inserted by paragraph 3(4) of Schedule 17 to the [Coroners and Justice Act 2009](#).

Amendment of the Crime and Disorder Act 1998

24.—(1) Paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) ^{M3} is amended as follows.

- (2) In sub-paragraph (5)—
 - (a) at the end of paragraph (a), insert “ or ”;
 - (b) omit paragraph (aa).
- (3) Omit sub-paragraph (5A).

Commencement Information

I3 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M3 1998 c. 37; paragraph 9(5) of Schedule 3 was amended by paragraph 20(9)(b) of Schedule 3 to the [Criminal Justice Act 2003 \(c. 44\)](#), **paragraph 155** of Schedule 16 to the [Armed Forces Act 2006 \(c. 52, paragraph 5\(2\)\)](#) of Schedule 17 and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009 \(c. 25\)](#); paragraph 9(5A) was inserted by paragraph 5(3) of Schedule 17 to the [Coroners and Justice Act 2009](#).

Amendment of the Powers of Criminal Courts (Sentencing) Act 2000

F225.

F2 Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Amendment of the Criminal Justice Act 2003

^{F2}26.

F2 Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Amendment of the Coroners and Justice Act 2009

^{F2}27.

F2 Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

CHAPTER 2

Amendments: legislation that extends to Northern Ireland only

Amendment of the Police and Criminal Evidence (Northern Ireland) Order 1989

28.—(1) The Police and Criminal Evidence (Northern Ireland) Order 1989 ^{M4} is amended as follows.

(2) In Article 71 (proof of convictions and acquittals) ^{M5}—

- (a) omit paragraph (1A);
- (b) omit paragraph (2)(c) and the “and” preceding it.

(3) In Article 72 (conviction as evidence of commission of offence) ^{M6}—

- (a) in paragraph (1), omit “or any other member State”;
- (b) in paragraph (2), omit “or any other member State”;
- (c) in paragraph (3)(a), omit “or any other member State”.

(4) In Article 73(1) (provisions supplementary to Article 72) ^{M7}, for sub-paragraph (b) substitute—

- “(b) the contents of the complaint, indictment or charge-sheet on which the person in question was convicted.”.

Commencement Information

I4 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M4 [S.I. 1989/1341 \(N.I. 12\)](#).

M5 Article 71(1A) and (2)(c) were inserted by paragraph 16 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

M6 Article 72(1) was amended by paragraph 17 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#) and [S.I. 2004/1501 \(N.I. 10\)](#), and Article 72(2) and (3)(a) was amended by paragraph 17 of Schedule 17 to the Coroners and Justice Act 2009.

M7 Amended by paragraph 18 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

CHAPTER 3

Amendments: legislation that extends to England and Wales and Northern Ireland

Amendment of the Police and Criminal Evidence Act 1984

- 29.**—(1) The Police and Criminal Evidence Act 1984 ^{M8} is amended as follows.
- (2) In section 73 ^{M9} (proof of convictions and acquittals)—
- (a) in subsection (1), omit “or any other member State”;
 - (b) omit subsection (2)(c) and the “and” preceding it;
 - (c) in subsection (3)—
 - (i) in paragraph (b), omit “in the United Kingdom”;
 - (ii) omit paragraph (c) and the “and” preceding it.
- (3) In section 74 (conviction as evidence of commission of offence) ^{M10}—
- (a) in subsection (1), omit “or any other member State”;
 - (b) in subsection (2), omit “or any other member State”;
 - (c) in subsection (3)(a), omit “or any other member State”.
- (4) In section 75(1) (provisions supplementary to section 74) ^{M11}, for paragraph (b) substitute—
- “(b) the contents of the information, complaint, indictment or charge-sheet on which the person in question was convicted.”.

Commencement Information

- I5** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M8** [1984 c. 60](#).
- M9** Section 73(1) was amended by paragraph 13(2) of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#) (“the 2009 Act”); section 73(2) was amended by paragraph 128(2) of Schedule 13 to the [Access to Justice Act 1999 \(c. 22\)](#) and paragraph 13(3) of Schedule 17 to the 2009 Act; section 73(3) was amended by paragraph 285 of Schedule 8 to the [Courts Act 2003 \(c. 39\)](#) and paragraph 13(4) of Schedule 17 to the 2009 Act.
- M10** Section 74(1) was amended by paragraph 85(2) of Schedule 36 to the [Criminal Justice Act 2003 \(c. 44\)](#) and paragraph 14(2) of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#) (“the 2009 Act”); section 74(2) and 74(3)(a) was amended by paragraph 14 of Schedule 17 to the 2009 Act.
- M11** Amended by paragraph 15 of Schedule 17 to the [Coroners and Justice Act 2009 \(c.25\)](#).

Amendment of the Criminal Justice Act 1988

F30.

- F3** Reg. 30 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

CHAPTER 4

Transitional provision

[^{F4}Transitional provision

31.—(1) This Part does not apply in relation to proceedings instituted before IP completion day (and see Article 62(1)(g) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018).

(2) For the purposes of paragraph (1) as it extends to England and Wales, proceedings are instituted when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1995, in accordance with section 15(2) of that Act.

(3) For the purposes of paragraph (1) as it extends to Northern Ireland, proceedings are instituted when proceedings are instituted for the purposes of Part 2 of the Justice (Northern Ireland) Act 2002, in accordance with section 44(1) of that Act.]

F4 Reg. 31 substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), 7

Commencement Information

I6 Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019, PART 6.